

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

NICOIS MEGALE SMITH,)	
)	
Petitioner,)	
)	
vs.)	No. CIV-13-365-C
)	
OKLAHOMA COUNTY PROBATION)	
BOARD,)	
)	
Respondent.)	

ORDER AFFIRMING REPORT AND RECOMMENDATION

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Suzanne Mitchell, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Mitchell entered a Report and Recommendation on April 19, 2013, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

The facts and law are accurately set out in the Magistrate Judge's Report and Recommendation and there is no purpose to be served in repeating them yet again. In objection, Petitioner attaches a number of statements and affidavits, but fails to address the Recommendation of the Magistrate Judge, that the Petition should be dismissed for failure to exhaust state remedies. Thus, there is no dispute as to the recommended resolution.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge (Dkt. No. 6), and for the reasons announced therein, this petition for habeas

corpus relief is dismissed without prejudice. Petitioner's Motion to Enforce Discovery (Dkt. No. 7) is denied as moot. A judgment will enter.

IT IS SO ORDERED this 14th day of May, 2013.



ROBIN J. CAUTHRON
United States District Judge